



**SPECIAL MEETING
MINUTES
for
November 25, 2002, 6:00 p.m.
Art Pick Council Chambers
3900 Main Street, Riverside, CA**

Present: Commissioners Brewer, Davidson, Garcia, Gardner, Hendrick, Howe, Huerta and Ward

Absent: Commissioner Floyd

Pledge of Allegiance

Chairman Brewer advised the audience that Agenda Items 3 and 4 would be switched.

Roll Call

Chief Leach's Report Regarding the Death of Anastacio Muñoz

Chief Leach thanked the Commission for allowing them to give this presentation and offered condolences to the family of Mr. Muñoz.

Chief Leach spoke about the presentation given in August to the Commission by the involved agencies regarding the protocol of officer-involved deaths and the nature of each agency's investigation. He said that he heard the concerns of the commissioners regarding getting investigations to the Commission in a timelier manner and said that the Department will strive to do that. He said it has been a learning process in his two years in Riverside and said that he appreciates the feedback received in working with the Commission. He said he understands how important these cases are not only to the Commission, but the to citizens to get to the truth of the matter quickly, thoroughly and objectively. He said they would strive to do that in this case.

He said that the investigation process in Riverside is unprecedented, at least within California, because there are several levels of investigation: RPD, the D.A.'s office, the Attorney General's Office, and the Commission.

He said that he would have Capt. Andy Pytlak and Capt. Dave Dominguez give a brief presentation regarding the incident. He said that the investigation is continuing and that they expect to spend several more hours conducting witness interviews and officers. He said that they expect to process more evidence, visit the scene several more times, and prepare documentation in support of the investigation. He said that through the update process, the Commission would be kept apprised of the progress.

Chief Leach said that at the time of the incident, Capt. Dominguez was the Field Operations Captain in

charge of uniformed personnel and Capt. Pytlak was the Investigative Commanding Officer in charge of the detectives who conduct the follow-up investigation. He said that they have both been reassigned and Capt. Dominguez is now the commanding officer in charge of Investigations and Capt. Pytlak is now the Administrative Commanding Officer in the Chief's Office.

Capt. Pytlak reiterated the Chief's words that this is a preliminary investigation. Using a diagram, he described the incident scenario.

Capt. Dominguez updated the Commission on the status of the investigation. He noted that there have been four full-time investigators on this incident. He noted that the autopsy was conducted on Friday (November 22), but said he didn't anticipate the Coroner's review taking place until after the first of the year. He said that they are in the process of analyzing forensic evidence through the Department of Justice and also having tapes transcribed. He said that after the investigation is complete and will be submitted through the chain of command, with a copy being sent to the D.A.'s office after approval by the Chief. He said he anticipated it being a couple of months before they would submit the criminal case, in total, to the D.A.'s office.

Commissioner Howe asked Capt. Pytlak how fast the suspect was traveling toward the officer who was in the street.

Chief Leach asked for Commissioner Howe's indulgence for a few moments, noting the attendance of Mr. Joe Brann, who is the State monitor and is involved in overseeing the RPD during the five years of the stipulated judgment. He said that one of the requirements of the judgment is that the Department conduct a very in-depth critical incident debriefing, which is reviewed by Mr. Brann's office. Chief Leach said that there are sensitive areas of the investigation that need to be protected because of the integrity of the criminal investigation, noting that the determination of whether or not an officer's use of force is lawful is made by the D.A.'s office, not RPD. He said that the comments made in this presentation were to point out to the Commission the nature of the investigation.

Chief Leach said that the lead agency, at least in the beginning, is the D.A.'s office, which will review the officer's actions to determine whether or not they conform to the State of California Penal Code provisions for use of force. He also noted that the Commission has jurisdiction over a case where an officer's actions result in the death of someone. He said again that he wanted to impress upon the citizens of Riverside the fact that there is an unprecedented level of review beyond the Commission, and that is the State Attorney General's office.

He said they want to work on an investigation that is thorough, with no short cuts, and answers the questions that everyone has. He ended by thanking the Commission for allowing them to make their presentation.

Public Comment

Prior to taking any public comment, Chairman Brewer noted that Commissioner Garcia would be able to translate for Spanish speakers if needed.

Ms. Dana Cochran

Chairman Brewer stated that Ms. Cochran did not wish to speak, but that her position had been noted.

Mr. Michael Molver

He began by saying that he didn't appreciate not getting a direct answer to Commissioner Howe's question regarding the speed of the suspect's vehicle when the officer was in fear of his life. He said that he wondered whether or not the officer's car was actually hit by the suspect's vehicle before he was shot.

He said that two years ago he'd been part of an activist group that met with Chief Leach. He said that the

Chief had promised at that time that the policy would be reviewed and changes made so that there wouldn't be needless police killings of citizens, but said it's happened again and said he felt it was needless. He noted similarities between this incident and the Tyisha Miller incident. He also voiced concerns about the number of shots fired. He said that in his mind, this was a "needless police murder – again." He said that if this is the new policy, he doesn't see a change.

Ms. Mary Shelton

Ms. Shelton began by saying that she first became involved in this issue because of the Miller incident, but said that her experience with police officers and guns began in 1993 when crossing a super-market parking lot. She said that a man in a suit, who was sweating heavily, was pointing a gun at her and telling the "f---in' b-----" to get out of his way. She said she had no idea who he was and learned later that he was a police detective who was after some other people. She said that he never identified himself and that she had no idea that he was a police officer. She said, "When you're on the other side of that gun, you don't know what's going to happen."

She said she had a question that hasn't been answered regarding the recent shooting – where's the gun? She said that no mention was ever made during the presentation with regard to finding or not finding a gun, which she said disturbs her.

She said she was also disturbed by the Commission's lack of action saying that "a week has gone by and, once again, the ball has been dropped." She said a lot of people in the community don't know whether to trust the RPD investigation because they are investigating themselves. She said that with regard to the criminal investigation, the D.A. seems to have already made up its mind that it was justifiable homicide, having stated that in the paper and wondered how fair that investigation is going to be.

She asked how many shootings would need to occur before the Commission has a set of guidelines to follow.

Mr. Gil Navarro

Mr. Navarro began by saying that he is the Associate President for MAPA, the Mexican-American Political Association for the Inland Empire. He said that the one thing that had not been discussed was Mr. Muñoz. He said Mr. Muñoz has three beautiful daughters, a lovely wife, a large family and that he was fully employed. Mr. Navarro said that none of that had been mentioned.

He said that the killing was shameful. He said he heard Chief Leach talk about the officers' training and that he was pleased with it. He said that that was the only part he agreed with in that the officers did their job – there is no need for a judge or jury because the police took care of that.

He said Riverside has a history of abuse by police against minorities, specifically Latinos. He said there have been many senseless killings over the years and it hasn't changed. He asked how a second officer, hiding behind a tree and shooting her pistol seven times, could be justified. He said that "supposedly the first officer was in danger for his safety" and asked how that allowed the second officer to fire her gun seven times unless the only purpose was to kill the suspect.

He said that too many times the RPD has been judge, jury, and executioner. He said that the information presented to the Commission was done to give them a positive impression of the Police Department and the job they did. He said they did their job thoroughly and eliminated a human being. He said that people frequently hear about police chases in which other forms of stopping the suspect are used. He said that when an officer fires their weapon, they fire only to kill the person, saying that that was their intent – to kill Mr. Muñoz.

He said that Riverside has been known as the "Killing City" and that the Tyisha Miller incident exposed that. He also said that the "consent decree" has not changed anything. He asked that the Commission investigate thoroughly this incident. He said that "we want these officers indicted for a criminal act and we don't want these officers on the street anymore. They're not trustworthy." He said that Latinos don't feel

safe on the streets of Riverside and that the Police Department “wages war” against them.

Dr. Elsa Valdez

Dr. Valdez said that the Police Department’s point of view had been heard, but that they hadn’t heard anything from any of the witnesses. She said that she felt it was a very one-sided report. She also asked about the weapon that was alleged to be in Mr. Muñoz’ possession. She said she hadn’t heard anything about the officers finding a weapon. She then asked why it was necessary for the officers to fire eleven shots, saying that this was excessive use of force. She said that there were many other methods that could have been used to ensure that Mr. Muñoz was not a danger to himself or anyone else, but that the officer decided to shoot first and ask questions later. She said that if that is how the officers are being trained, the citizens are in a lot of trouble.

She said that she lives in San Bernardino and that Riverside is known as the “Killing Fields.” She said that this could happen to anyone, saying that Latinos aren’t the only ones who drink and asked if anyone wanted this to happen to one of their loved ones. She said that the Commission has the obligation to ask the “hard questions.” She said that if they are only getting one perspective, the Commission isn’t doing its job.

She said that when officers investigate their own department that can be problematic because a police department will not admit that they’ve made a mistake. She said that an independent investigation needs to be conducted because the presentation given was a biased, one-sided opinion of what really happened.

She said that the community and the Commission need to ask why this excessive force is necessary, particularly when it is directed at minorities. She said that it isn’t only Latinos and blacks who drink, but that they are the only ones who are getting killed. She appealed to the Commission to find out what really happened, saying that the people and the Commission have a right to know before it happens again.

Ms. Chani Beeman

She began by stating that the comments she was going to make were hers, personally, not a statement as chair of the Human Relations Commission.

She remarked on previous comments made regarding the safety of Latinos in Riverside, but noted that when Mr. Phaisouphanh was killed, there were no Latinos in the audience. She said that this is a community issue, not a Latino issue. She said that the Commission has to “play its role very carefully here.” She said that she had called on the Commission to conduct an independent investigation when Mr. Phaisouphanh was killed, but they chose not to, which she thought was a mistake.

She said that what was being heard tonight were the “echoes of a lack of trust in this community and its police department.” She noted that this was why there are currently so many levels of review over the Police Department. She said that the Department is changing and that she has been very involved with that process. She also said that she thought the investigation into this shooting would be done fairly, but noted that the community does not yet believe that.

Ms. Beeman commented on Joe Brann’s attendance, saying that she thought he would do a fair job but that the community doesn’t know that. She noted that any information obtained via the Internal Affairs investigation could not be made public, but information obtained through the Commission’s investigation could be made public. She said that the community is not willing to wait for several months before they are given information regarding this incident. She said the Commission needs to provide a bridge of trust between the community and the Police Department. She also said that the police officers are also entitled to a thorough investigation and to know if their training is adequate.

Ms. Beeman said that the comment made earlier that this was being called a justifiable homicide and said that was an inappropriate comment as this time, as well as the call for indicting the police officers. She

said that the Commission needs to do an independent investigation and said that the community worked to put this commission in place for just this purpose.

Mr. Jim Martin

Mr. Martin began by saying that it was his opinion that the Commission is “180 degrees out of phase.” He said that the Commission was created as a buffer between the community and the Police Department. He said that the Commission was created as the result of a killing and since its creation there have been two others. He said that if investigating law enforcement’s taking of a life was not the top priority of the Commission, he didn’t know what was and said the Commission serves no purpose. He said that the Commission is “here to protect the community.” He said protection of the community is achieved by improving the Police Department. He said it was ironic that the Police Department was asked to address the Commission first. He said that the Police Department is the last body that the Commission should consult in any investigation. He said hire an investigator now “while the trail is hot” and then decide if the Police Department used excessive force. He said that Riverside is getting a bad reputation because of incidents such as this.

Ms. Melissa Latimer

Ms. Latimer began by expressing her condolences to the Muñoz family. She said that her concerns as a citizen and a parent were that the shooting occurred in a residential neighborhood and asked if only two shots hit the suspect or his vehicle, where did the other shots go. She said it also seemed dangerous to her to shoot at someone in a car because it is unknown where the car will go if the driver is unconscious or disabled in any way. She closed by saying she felt the situation could have been handled a lot better than it was.

Ms. Cindy Collins

Ms. Collins began by saying she never thought she’d be in a position where she’d be defending the RPD because as a resident of Casa Blanca, she has, in the past, had a gun put to her head for no reason. She said that she did, however, believe the Police Department was changing for the better and that officers are receiving better training and said she knew this because her son is training to become a police officer. She said that she believes there are some “bad cops out there,” but said a life-and-death situation needs to be looked at closely. She said that officers don’t want to waste their training sitting behind a desk and doing reports, but also said that she didn’t think officers liked killing someone. She said that she used to believe that there was a racial issue, but said that’s an old concept and that people need to look at the situation to learn what caused the incident in the first place. She said that it’s easy to blame the police, but Riverside has a bigger issue and that is people killing each other.

Mr. John Keyser

Chairman Brewer commented that although Mr. Keyser did not wish to speak, his comments had been noted.

Mr. Don Gallegos

Mr. Gallegos began by saying that he disagreed with the comparisons made between this incident and the Tyisha Miller incident. He said he is concerned because he has a niece who just obtained her license. He said that when a person drinks, drives, and then fails to stop for police, that person puts himself and the community in danger. He said it didn’t seem like the officers had enough time to call SWAT or make another plan. He said that if Mr. Muñoz had hit an innocent bystander, people would be asking why the police didn’t stop him sooner. He said that he didn’t think the incident was racially motivated and he offered his condolences to the family or that the officers were out there specifically to shoot Mr. Muñoz. He said that individuals should be responsible for their own actions and not drink and drive or flee from the police, as these are situations that can be dangerous.

Mr. Jesse Valenzuela

Mr. Valenzuela introduced himself and said that he has been a long-time resident of Riverside County and

was a resident of the Eastside while attending UCR. He said that he has also worked for the City of Riverside Parks & Recreation Department. He said that he became very active in several neighborhoods and was instrumental in working with Community Relations in implementing various activities.

He said that the community has once again come together to ask why the police have shot and killed a man and if there wasn't another way the incident could have been handled. He said that Mr. Muñoz has become another victim of the Riverside Police Department and that the incident needs to have a complete investigation.

Ms. Christine Ragsdale

Ms. Ragsdale said that she was addressing the Commission to put a "real human face" on Mr. Muñoz. She said that while she believes that he shouldn't have been driving if intoxicated, she also feels that the RPD used excessive force. She hadn't heard anything about the officers trying to speak or communicate with Mr. Muñoz and that if he was yelling, there was no communication. She said that Mr. Muñoz was a family man, a Christian, and her friend. She said that she feels badly for the police officers and hopes that they are thinking about the fact that they took a life. She said that she hopes that the Commission conducts their own investigation outside the Police Department. She said if the Police Department is not willing to speak to someone, it seems to be a "very bad failure in the way they are being trained."

Ms. Mary Figueroa

Ms. Figueroa said that she was speaking because of comments she'd heard in the previous days regarding this incident. She said that the Commission faces a daunting task because they are one of the few commissions in Riverside that is faced with life and death situations. She said when they took this role, that part was acknowledged because she knows that it was presented to the Commission that the issues that would come before them would not be easy and that they would be faced with decisions that either the community or public agencies would not appreciate.

She said the commissioners are currently faced with a situation that calls for them to rise to the occasion. She said that the role this commission plays is above that of many other commissions currently in the City and that they hold the position that the community has put its trust in the Commission at some point or another. She asked the Commission to take this opportunity to conduct an independent investigation. She said that she didn't appreciate when individuals describe RPD officers as "executioners." She said that it doesn't serve the community well and feels that it is irresponsible and inflammatory. She said that the people need to do is look to people placed in positions such as the Commission's and make them step forward and do something that they have been empowered to do. She said that if they do nothing, people in and out of Riverside will comment on that.

She said that she didn't know where the term "Killing Fields" came from in relation to Riverside, but she said there have been many young people killed in the Eastside recently and there has been no outrage from outside the city, but yet there is a group of people in the Eastside who are working with the police, who are entrusted with keeping safety in the community. She asked the Commission to help make sure that the police are operating under their guidelines and asked for them to conduct an independent investigation leaving no stone unturned.

Mr. Frank Muñoz

Mr. Muñoz said that he was at the crime scene and said that he didn't think RPD had done a very good investigation. He said that he found a bullet slug while standing on the sidewalk. He said that they had taped off a certain part of the crime scene, but not the whole sidewalk. He said that when he told investigators, "they made a big joke of it." He said that he thinks somebody other than RPD needs to investigate the incident and ended by saying he believes Mr. Muñoz was executed.

Mr. Harold Ray

Mr. Ray introduced himself as "one of the last few legal bounty hunters in the United States; also the

Agents of Peace on the street, Justice Department monitors and defusers.” He said that they work with police departments – LAPD and LA County Sheriff. He said that when incidents, such as this incident, occur, they use a satellite to determine what happened. He said, “If, by chance, he didn’t move that car and there were shots, it will show up on the satellite.” He said they are going to make a private investigation of it.

The Chair entertained a motion to adjourn, which was moved by Commissioner Hendrick and seconded by Commissioner Davidson.

The Commission adjourned at 7:14 p.m.

Respectfully submitted,

PHOEBE SHERRON
Sr. Office Specialist